

**Suspend the Rules and Pass the Bill, HR. 1242, with An Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

115TH CONGRESS  
1ST SESSION

# H. R. 1242

To establish the 400 Years of African-American History Commission, and  
for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2017

Mr. SCOTT of Virginia (for himself, Mr. TAYLOR, Mr. McEACHIN, Mr. WITTMAN, Mr. BEYER, Mrs. COMSTOCK, Mr. CONNOLLY, Mr. RICHMOND, Mr. BUTTERFIELD, Mr. CUMMINGS, Ms. NORTON, Mr. LEWIS of Georgia, Ms. KELLY of Illinois, Mr. GRIJALVA, Ms. MOORE, Mr. EVANS, Mr. DANNY K. DAVIS of Illinois, Mr. RASKIN, Mrs. DEMINGS, Mr. BLUMENAUER, Mr. AL GREEN of Texas, Mr. CICILLINE, Mr. HIGGINS of New York, Mrs. BEATTY, Mr. HASTINGS, Mr. HUFFMAN, Ms. LEE, Mr. ELLISON, Mr. SOTO, Mr. DELANEY, and Mrs. WATSON COLEMAN) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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## A BILL

To establish the 400 Years of African-American History  
Commission, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “400 Years of African-  
3 American History Commission Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **COMMEMORATION.**—The term “commemo-  
7 ration” means the commemoration of the 400th an-  
8 niversary of the arrival of Africans in the English  
9 colonies, at Point Comfort, Virginia, in 1619.

10 (2) **COMMISSION.**—The term “Commission”  
11 means the 400 Years of African-American History  
12 Commission established by section 3(a).

13 (3) **SECRETARY.**—The term “Secretary” means  
14 the Secretary of the Interior.

15 **SEC. 3. ESTABLISHMENT.**

16 (a) **IN GENERAL.**—There is established a commis-  
17 sion, to be known as the “400 Years of African-American  
18 History Commission”.

19 (b) **MEMBERSHIP.**—

20 (1) **COMPOSITION.**—The Commission shall be  
21 composed of 15 members, of whom—

22 (A) three members shall be appointed by  
23 the Secretary after considering recommenda-  
24 tions of Governors, including the Governor of  
25 Virginia;

1 (B) six members shall be appointed by the  
2 Secretary after considering recommendations of  
3 civil rights organizations and historical organi-  
4 zations;

5 (C) one member shall be an employee of  
6 the National Park Service having experience  
7 relative to the historical and cultural resources  
8 related to the commemoration, to be appointed  
9 by the Secretary;

10 (D) two members shall be appointed by the  
11 Secretary after considering the recommenda-  
12 tions of the Secretary of the Smithsonian Insti-  
13 tution; and

14 (E) three members shall be individuals who  
15 have an interest in, support for, and expertise  
16 appropriate to the commemoration, appointed  
17 by the Secretary after considering the rec-  
18 ommendations of Members of Congress.

19 (2) TIME OF APPOINTMENT.—Each appoint-  
20 ment of an initial member of the Commission shall  
21 be made before the expiration of the 120-day period  
22 beginning on the date of enactment of this Act.

23 (3) TERM; VACANCIES.—

1 (A) TERM.—A member of the Commission  
2 shall be appointed for the life of the Commis-  
3 sion.

4 (B) VACANCIES.—

5 (i) IN GENERAL.—A vacancy on the  
6 Commission shall be filled in the same  
7 manner in which the original appointment  
8 was made.

9 (ii) PARTIAL TERM.—A member ap-  
10 pointed to fill a vacancy on the Commis-  
11 sion shall serve for the remainder of the  
12 term for which the predecessor of the  
13 member was appointed.

14 (C) CONTINUATION OF MEMBERSHIP.—If  
15 a member of the Commission was appointed to  
16 the Commission as an employee of the National  
17 Park Service, and ceases to be an employee of  
18 the National Park Service, that member may  
19 continue to serve on the Commission for not  
20 longer than the 30-day period beginning on the  
21 date on which that member ceases to be an em-  
22 ployee of the National Park Service.

23 (c) DUTIES.—The Commission shall—

24 (1) plan, develop, and carry out programs and  
25 activities throughout the United States—

1 (A) appropriate for the commemoration;

2 (B) to recognize and highlight the resil-  
3 ience and contributions of African-Americans  
4 since 1619;

5 (C) to acknowledge the impact that slavery  
6 and laws that enforced racial discrimination  
7 had on the United States; and

8 (D) to educate the public about—

9 (i) the arrival of Africans in the  
10 United States; and

11 (ii) the contributions of African-Amer-  
12 icans to the United States;

13 (2) encourage civic, patriotic, historical, edu-  
14 cational, artistic, religious, economic, and other or-  
15 ganizations throughout the United States to orga-  
16 nize and participate in anniversary activities to ex-  
17 pand understanding and appreciation of—

18 (A) the significance of the arrival of Afri-  
19 cans in the United States; and

20 (B) the contributions of African-Americans  
21 to the United States;

22 (3) provide technical assistance to States, local-  
23 ities, and nonprofit organizations to further the com-  
24 memoration;

1 (4) coordinate and facilitate for the public  
2 scholarly research on, publication about, and inter-  
3 pretation of—

4 (A) the arrival of Africans in the United  
5 States; and

6 (B) the contributions of African-Americans  
7 to the United States;

8 (5) ensure that the commemoration provides a  
9 lasting legacy and long-term public benefit by assist-  
10 ing in the development of appropriate programs; and

11 (6) help ensure that the observances of the  
12 commemoration are inclusive and appropriately rec-  
13 ognize the experiences and heritage of all individuals  
14 present at the arrival of Africans in the United  
15 States.

16 **SEC. 4. COMMISSION MEETINGS.**

17 (a) INITIAL MEETING.—Not later than 30 days after  
18 the date on which all members of the Commission have  
19 been appointed, the Commission shall hold the initial  
20 meeting of the Commission.

21 (b) MEETINGS.—The Commission shall meet—

22 (1) at least three times each year; or

23 (2) at the call of the Chairperson or the major-  
24 ity of the members of the Commission.

1 (c) QUORUM.—A majority of the voting members  
2 shall constitute a quorum, but a lesser number may hold  
3 meetings.

4 (d) CHAIRPERSON AND VICE CHAIRPERSON.—

5 (1) ELECTION.—The Commission shall elect the  
6 Chairperson and the Vice Chairperson of the Com-  
7 mission on an annual basis.

8 (2) ABSENCE OF THE CHAIRPERSON.—The Vice  
9 Chairperson shall serve as the Chairperson in the  
10 absence of the Chairperson.

11 (e) VOTING.—The Commission shall act only on an  
12 affirmative vote of a majority of the members of the Com-  
13 mission.

14 **SEC. 5. COMMISSION POWERS.**

15 (a) GIFTS.—The Commission may solicit, accept, use,  
16 and dispose of gifts, bequests, or devises of money or other  
17 property for aiding or facilitating the work of the Commis-  
18 sion.

19 (b) APPOINTMENT OF ADVISORY COMMITTEES.—The  
20 Commission may appoint such advisory committees as the  
21 Commission determines to be necessary to carry out this  
22 Act.

23 (c) AUTHORIZATION OF ACTION.—The Commission  
24 may authorize any member or employee of the Commission

1 to take any action that the Commission is authorized to  
2 take under this Act.

3 (d) PROCUREMENT.—

4 (1) IN GENERAL.—The Commission may pro-  
5 cure supplies, services, and property, and make or  
6 enter into contracts, leases, or other legal agree-  
7 ments, to carry out this Act (except that a contract,  
8 lease, or other legal agreement made or entered into  
9 by the Commission shall not extend beyond the date  
10 of termination of the Commission).

11 (2) LIMITATION.—The Commission may not  
12 purchase real property.

13 (e) POSTAL SERVICES.—The Commission may use  
14 the United States mails in the same manner and under  
15 the same conditions as other agencies of the Federal Gov-  
16 ernment.

17 (f) GRANTS AND TECHNICAL ASSISTANCE.—The  
18 Commission may—

19 (1) provide grants in amounts not to exceed  
20 \$20,000 per grant to communities and nonprofit or-  
21 ganizations for use in developing programs to assist  
22 in the commemoration;

23 (2) provide grants to research and scholarly or-  
24 ganizations to research, publish, or distribute infor-



1       mation relating to the arrival of Africans in the  
2       United States; and

3               (3) provide technical assistance to States, local-  
4       ities, and nonprofit organizations to further the com-  
5       memoration.

6   **SEC. 6. COMMISSION PERSONNEL MATTERS.**

7       (a) COMPENSATION OF MEMBERS.—

8               (1) IN GENERAL.—Except as provided in para-  
9       graph (2), a member of the Commission shall serve  
10      without compensation.

11              (2) FEDERAL EMPLOYEES.—A member of the  
12      Commission who is an officer or employee of the  
13      Federal Government shall serve without compensa-  
14      tion other than the compensation received for the  
15      services of the member as an officer or employee of  
16      the Federal Government.

17      (b) TRAVEL EXPENSES.—A member of the Commis-  
18      sion shall be allowed travel expenses, including per diem  
19      in lieu of subsistence, at rates authorized for an employee  
20      of an agency under subchapter I of chapter 57 of title  
21      5, United States Code, while away from the home or reg-  
22      ular place of business of the member in the performance  
23      of the duties of the Commission.

24      (c) DIRECTOR AND STAFF.—

1           (1) IN GENERAL.—The Chairperson of the  
2       Commission may, without regard to the civil service  
3       laws (including regulations), nominate an executive  
4       director to enable the Commission to perform the  
5       duties of the Commission.

6           (2) CONFIRMATION OF EXECUTIVE DIREC-  
7       TOR.—The employment of an executive director shall  
8       be subject to confirmation by the Commission.

9       (d) COMPENSATION.—

10           (1) IN GENERAL.—Except as provided in para-  
11       graph (2), the Commission may fix the compensation  
12       of the executive director and other personnel without  
13       regard to the provisions of chapter 51 and sub-  
14       chapter III of chapter 53 of title 5, United States  
15       Code, relating to classification of positions and Gen-  
16       eral Schedule pay rates.

17           (2) MAXIMUM RATE OF PAY.—The rate of pay  
18       for the executive director and other personnel shall  
19       not exceed the rate payable for level V of the Execu-  
20       tive Schedule under section 5316 of title 5, United  
21       States Code.

22       (e) DETAIL OF GOVERNMENT EMPLOYEES.—

23           (1) FEDERAL EMPLOYEES.—

24                (A) DETAIL.—At the request of the Com-  
25       mission, the head of any Federal agency may

1 detail, on a reimbursable or nonreimbursable  
2 basis, any of the personnel of the agency to the  
3 Commission to assist the Commission in car-  
4 rying out the duties of the Commission under  
5 this Act.

6 (B) CIVIL SERVICE STATUS.—The detail of  
7 an employee under subparagraph (A) shall be  
8 without interruption or loss of civil service sta-  
9 tus or privilege.

10 (2) STATE EMPLOYEES.—The Commission  
11 may—

12 (A) accept the services of personnel de-  
13 tailed from the State; and

14 (B) reimburse the State for services of de-  
15 tailed personnel.

16 (f) PROCUREMENT OF TEMPORARY AND INTERMIT-  
17 TENT SERVICES.—The Chairperson of the Commission  
18 may procure temporary and intermittent services in ac-  
19 cordance with section 3109(b) of title 5, United States  
20 Code, at rates for individuals that do not exceed the daily  
21 equivalent of the annual rate of basic pay prescribed for  
22 level V of the Executive Schedule under section 5316 of  
23 such title.

24 (g) VOLUNTEER AND UNCOMPENSATED SERVICES.—  
25 Notwithstanding section 1342 of title 31, United States

1 Code, the Commission may accept and use such voluntary  
2 and uncompensated services as the Commission deter-  
3 mines to be necessary.

4 (h) SUPPORT SERVICES.—

5 (1) IN GENERAL.—The Secretary shall provide  
6 to the Commission, on a reimbursable basis, such  
7 administrative support services as the Commission  
8 may request.

9 (2) REIMBURSEMENT.—Any reimbursement  
10 under this paragraph shall be credited to the appro-  
11 priation, fund, or account used for paying the  
12 amounts reimbursed.

13 (i) NO EFFECT ON AUTHORITY.—Nothing in this  
14 section supersedes the authority of the National Park  
15 Service with respect to the commemoration.

16 **SEC. 7. PLANS; REPORTS.**

17 (a) STRATEGIC PLAN.—The Commission shall pre-  
18 pare a strategic plan for the activities of the Commission  
19 carried out under this Act.

20 (b) FINAL REPORT.—Not later than July 1, 2020,  
21 the Commission shall complete and submit to Congress a  
22 final report that contains—

23 (1) a summary of the activities of the Commis-  
24 sion;

1           (2) a final accounting of funds received and ex-  
2       pended by the Commission; and

3           (3) the findings and recommendations of the  
4       Commission.

5   **SEC. 8. TERMINATION OF COMMISSION.**

6       (a) DATE OF TERMINATION.—The Commission shall  
7       terminate on July 1, 2020.

8       (b) TRANSFER OF DOCUMENTS AND MATERIALS.—  
9       Before the date of termination specified in subsection (a),  
10      the Commission shall transfer all documents and materials  
11      of the Commission to the National Archives or another  
12      appropriate Federal entity.

13   **SEC. 9. PROHIBITION ON OBLIGATION OF FEDERAL FUNDS.**

14      No Federal funds may be obligated to carry out this  
15      Act.